

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

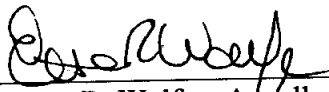
In re:	:	
	:	Bankruptcy Appeal
SUMMIT METALS, INC.,	:	
	:	Case No. 1:05-cv-00696-KAJ
	:	
Debtor.	:	Judge Jordan

STIPULATION OF DISMISSAL OF APPEAL

NL Frank Akers, L.P., as appellant, and Francis A. Monaco, Jr., Chapter 11 Trustee of Summit Metals, Inc., as Appellee, through counsel, pursuant to Rule 8001(c)(2), Federal Rules of Bankruptcy Procedure, hereby stipulate that this appeal be dismissed and request that the Clerk of this Court enter an order dismissing this appeal, with prejudice. NL Frank Akers, L.P. agrees to pay any costs of fees that may be due this Court in connection with this appeal.

Dated: January 16, 2006

SMITH, KATZENSTEIN & FURLOW

By: 
Etta R. Wolfe – Appellant's Counsel

MONZACK and MONACO, P.A.

By: 
Joseph J. Bodnar – Appellee's Counsel